

Item-10.	08-03-2024	WP.ST 184 of 2023
sg	Ct. 8	Tarak Nath Bhandari Versus The State of West Bengal & Ors.

Mr. Saibal Acharjee, Adv.
Mr. Amba Bindu Chakraborty, Adv.
...for the petitioner
Mr. Tapan Kumar Mukherjee, Ld. AGP
Mr. Sougata Roy, Adv.
Mr. Somnath Naskar, Adv.
...for the State

1. Affidavit of service filed in Court is taken on record.
2. We have heard the learned Counsel for the parties. It appears that the impugned order suffers from a total non-application of mind as the learned Tribunal was required to decide the issues raised in the application in which the writ petitioner has challenged the impugned order dated 5th May, 2022. The learned Tribunal is required to adjudicate the dispute between the parties. The learned Tribunal could not have dismissed the petition on the ground of a reasoned order passed by the respondent on 13th July, 2022. The very decision of the authority concerned was the subject matter of challenge before the learned Tribunal.
3. On such consideration, the impugned order is set aside.
4. We request the West Bengal State Administrative Tribunal to hear OA 441 of 2022 afresh upon affidavits.
5. Mr. Tapan Kumar Mukherjee, learned Additional Government Pleader has submitted that the original application may be barred under Order II Rule 2 of the Code

of Civil Procedure.

6. Since we have not gone into the merits of the matter, all points are left open and can be raised by the parties before the learned Tribunal.
7. Since no affidavit-in-opposition is called for, all allegations are deemed to have been denied.
8. We direct the learned Tribunal to dispose of OA 441 of 2022 as expeditiously as possible.
9. With the above observations, the WP.ST 184 of 2023 is, accordingly, disposed of.
10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Uday Kumar, J.)

(Soumen Sen, J.)